



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/04/2021

WEB COPY

PRESENT

The Hon`ble **Mr.Justice G.CHANDRASEKHARAN**

CRL OP(MD) . No.6250 of 2021

1. Muthukumar,
2. Muthu Ramaraj,
3. Gandhimathi,
4. Kanimozhi,
5. Ponnusamy,
6. Vallimayil

... Petitioners/Accused No 1 to 6

Vs

The State represented by its
The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram District
(Crime No.118 of 2021).

... Respondent/Complainant

For Petitioners : Mr.Jeyakarthik.M.S.,
Advocate.

For Respondent : Mr.M.Ganesan,
Government Advocate (Crl.Side)

PETITION FOR **ANTICIPATORY BAIL** Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.118 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294 (b), 323, 324 and 506 (ii) of IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.118 of 2021 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent police.



3.It is seen from the submissions made that the defacto complainant is an Advocate. There is a dispute between the family of his sister and one Ponnusamy vagaiyara, with regard to property. There are cases in C.C.No.10 and 11 of 2020 pending on the file of the learned Judicial Magistrate, Paramakudi, against the petitioners and others. On 22.04.2021, at about 10.00 p.m., the petitioners said to have scolded the defacto complainant's sister in filthy language. On the date of occurrence, when the petitioner was going to the place of occurrence, along with his father, in his two wheeler bearing Registration No.TN-65-AV-6768, the petitioners were attacking the defacto complainant's sister. They attacked his father also. As a result of which, his father suffered head injury. The accused attacked the defacto complainant with a long knife, aruval and also with iron rod. Due to which, the defacto complainant suffered injury. Hence, the complaint.

4.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners have been falsely implicated in the present case and hence, they seek anticipatory bail. He would further submit that the co-accused have been granted anticipatory bail in CrI.O.P.(MD)No.6025 of 2021 dated 28.04.2021.

5.The learned Government Advocate (criminal side), on instructions, submitted that the injured has been discharged from the hospital and that there is a counter case pending.

6.Considering the facts and circumstances of the case, the injured has been discharged from the hospital, this is a case and case in counter and the fact that the parties fought with each other on the date of occurrence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Paramakudi, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

(b) the petitioner Nos.1, 2 and 5 shall report before the respondent police, daily, at 10.30 a.m., until further orders;

(c) the petitioner Nos.3, 4 and 6 shall report before the respondent police, as and when required;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and

(g) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30.04.2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SM

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE, PARAMAKUDI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE.
RAMANATHAPURAM DISTRICT
3. THE INSPECTOR OF POLICE,
EMANESWARAM POLICE STATION,
RAMANATHAPURAM DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-3626[I] dated 04/05/2021)

ORDER
IN
CRL OP (MD) No.6250 of 2021
Date:30/04/2021